

**United States District Court****for the****Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: James E. Mulvaney

Case Number: 0980 2:09CR00015-EFS-7

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: October 21, 2010

Original Offense: Conspiracy to Distribute 100 Kilograms or More of Marijuana, 21 U.S.C. §§ 846 and 841(a)(1), (b)(1)(B)(vii)

Original Sentence: Prison: 18 months  
TSR: 48 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Russell E. Smoot

Date Supervision Commenced: September 6, 2013

Defense Attorney: Andrea George

Date Supervision Expires: March 14, 2016

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**PETITIONING THE COURT****To issue a summons.**

The probation officer believes the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

**Mandatory Condition #2:** The defendant shall not commit another federal, state, or local crime.**Supporting Evidence:** The defendant was arrested on January 14, 2014, and charged with driving while under the influence and hit and run attended vehicle, in Chelan County District Court, Wenatchee, Washington, case number C00083920. This case is pending and is scheduled to go to trial on January 8, 2015.

The report from the East Wenatchee Police Department indicates a vehicle was traveling at a high rate of speed and struck another vehicle. The victim stated she followed the vehicle that struck her car to Fourth Street in East Wenatchee, which is a dead end street. While following the vehicle, she observed the vehicle was swerving on the roadway. The defendant was contacted by local law enforcement at his residence located on Fourth Street, East Wenatchee, Washington. The officers entered the home and contacted Mr. Mulvaney who resisted arrest and was handcuffed. He was then placed into a patrol vehicle. One of the officers noted a strong odor of intoxicants coming from the defendant. His eyes were watery and bloodshot and he spoke with a heavy tongue. Mr. Mulvaney was arrested for driving while under the influence of alcohol and or drugs and hit and run attended. After

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receiving his Miranda warning Mr. Mulvaney declined to speak with the officers. He refused to sign the implied consent warning for breath form and refused to complete a Breathalyzer.

- 2        **Mandatory Condition #2:** The defendant shall not commit another federal, state, or local crime.

**Supporting Evidence:** On October 31, 2014, James E. Mulvaney was charged with third degree theft and forgery in Douglas County Superior Court, East Wenatchee, Washington, cause number 14-1-00168-5. This case remains pending and is scheduled for trial on February 26, 2015.

The report from the East Wenatchee Police Department indicates they received information regarding a forged check from a local business. The owner advised he issued a check to Mr. Mulvaney for \$116 for recycled aluminum wheels. The check was cashed that afternoon at the bank for \$416. Through the investigation, the officer obtained a photo of the suspect passing the forged check at the bank, which matches the description of the defendant. The owner of the business positively identified Mr. Mulvaney as the person he had issued the check to in the amount of \$116.

- 3        **Mandatory Condition #2:** The defendant shall not commit another federal, state, or local crime.

**Supporting Evidence:** The defendant was arrested for second degree driving while license suspended on December 8, 2014, and charged in Spokane County District Court, Spokane, Washington, under case number 4Z1090977. This matter is pending. He failed to appear for court on December 15, 2014, leading to a bench warrant. The defendant was served with the warrant on December 26, 2014, posted bond, and was released the same day.

- 4        **Standard Condition #11:** The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.

**Supporting Evidence:** The defendant was contacted by the Liberty Lake Police Department and cited for second degree driving while license suspended on December 8, 2014. He failed to disclose this contact to this officer.

- 5        **Standard Condition #9:** The defendant shall not associate with any person engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer. The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.

**Supporting Evidence:** Mr. Mulvaney was cited for driving while license suspended on December 8, 2014. During this contact with law enforcement the defendant had a female passenger in his vehicle who had an outstanding warrant and has two prior felony convictions. The defendant did not obtain permission to have contact or associate with this person.

- 6        **Standard Condition #16:** The defendant shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more that six tests per month, in order to confirm continued abstinence from the substance.

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**Supporting Evidence:** The defendant failed to provide a urine sample during the following months: September 16, 2014; October 13, 2014; and November 19, 2014.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/30/2014

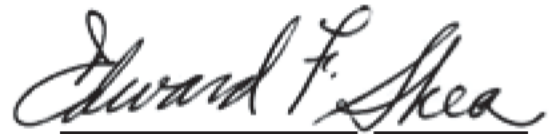
s/Stephen Krous

Stephen Krous  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

December 31, 2015

Date